

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GUSTAVAS VARLACK,

Plaintiff,

v.

OHIO SECURITY INSURANCE
COMPANY, et al.,

Defendants.

Case No. 22-cv-02478-VC

**ORDER GRANTING MOTION FOR
ENTRY OF PARTIAL JUDGMENT
UNDER RULE 54(B)**

Re: Dkt. No. 88

The motion for entry of final judgment as to Ohio Security is granted. The Court previously dismissed all the claims against Ohio Security with prejudice. That decision was a “final judgment.” *Curtiss-Wright Corp. v. General Electric Co.*, 446 U.S. 1, 7 (1980). There is no just reason to delay entry of judgment as to Ohio Security. There is no real overlap between the claims against Ohio Security and the claims pending against the other defendants, so “no appellate court [will] have to decide the same issues more than once even if there were subsequent appeals.” *Id.* at 8. Most of the claims against Ohio Security were borderline frivolous from the start—Varlack conceded that his insurance policy did not cover pandemic-related business income losses. And after his complaint was dismissed, Varlack then filed an amended complaint that simply repeated the allegations that had already been rejected. Given the minimal overlap between the claims against Ohio Security and the other defendants, it would not be just to force Ohio Security to wait until the remaining claims are resolved before entering judgment. A separate judgment will follow.

IT IS SO ORDERED.

Dated: May 10, 2023



VINCE CHHABRIA
United States District Judge